

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

BERNARD ROSS HANSEN,

Defendant.

Case No. CR18-0092-RAJ

ROSS HANSEN'S SUPPLEMENTAL  
SENTENCING MEMORANDUM

The limited discovery that the government has provided pertaining to Mr. Hansen's failure to appear suggests that this was an act of foolish desperation.<sup>1</sup> There was no grand plan to leave the country; there were no stockpiles of hidden precious metals; there was no airplane waiting. Instead, it appears that Mr. Hansen simply feared that he might not live to see the end of his prison sentence, and so he panicked in the hours before sentencing, and pursued a few more days of freedom.

<sup>1</sup> All facts contained in this memorandum are derived from two FD-302 reports provided by the government on the day this memorandum was due to be filed, May 31, 2022. The defense has not had an opportunity to investigate the accuracy of those reports and relies on them here without admitting to them. The defense reserves the right to contest any of the facts in those reports.

1 According to the government, Mr. Hansen said that he decided only two hours before his  
2 sentencing hearing not to appear, and that he did so because he “felt that every day he . . . [was] on  
3 the run was one more free day.”<sup>2</sup> Those are the words of a man who—when facing one of the scariest  
4 days of his life and feeling that his health would keep him from ever seeing the outside world again—  
5 made a foolish and reckless decision.

6 In total, Ross spent eleven days living out of cheap hotels and an old minivan. When caught,  
7 he did not try to run, or fight. He instead told the agents that “he was surprised it took the FBI so  
8 long to find him.” He was cooperative, agreeing to talk with the agents and volunteering to the  
9 agents that there were firearms in the minivan.

10 Foolish as it was, Mr. Hansen’s recent lapse in judgment has not changed the fundamental  
11 issues for sentencing in this case. The facts of the underlying offenses certainly have not changed.  
12 It remains true that Mr. Hansen was not motivated by personal greed, and that he would have  
13 preferred for all his customers to get what they had ordered from him, so that his business would not  
14 have collapsed. *See* Sentencing Mem., Dkt. 453 at 6–7. And it remains true that Mr. Hansen still  
15 did not make himself wealthy as the CEO of his multimillion-dollar business, even though it would  
16 have been easy for him to have done so. *See id.* Indeed, the limited discovery the defense has  
17 received about Mr. Hansen’s non-appearance *supports* just how little Mr. Hansen benefitted from  
18 the offense. He did not flee in a private plane, or a yacht, but in an 18-year-old Mazda minivan. He  
19 did not have a secret stash with hundreds of thousands of dollars of cash. He had less than \$1,000  
20 in his wallet. And the minivan contained a modest assortment of toiletries, medications, and, based  
21 on the limited discovery provided by the government, what appear to have been the last remaining  
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23 <sup>2</sup> The quotes attributed to Ross Hansen are statements attributed to him in the FD-302 reports, but are likely  
24 not verbatim, and the quotations to them should not be construed as any sort of admission about what Mr.  
Hansen may or may not have said.

1 coins and other novelty items and mementos he had from the multimillion-dollar mint he used to  
2 run. He “knew the money wouldn’t last too long,” he told the agents, and that certainly appears to  
3 have been true. It only underscores that this offense was never about enriching Mr. Hansen at the  
4 expense of others.

5 Mr. Hansen is also still in poor health, and that fact still warrants substantial consideration  
6 by the Court at sentencing. *See id.* at 7–9. The limited discovery provided by the government does  
7 not suggest that Mr. Hansen is somehow no longer the seriously unhealthy man he was just a few  
8 months ago. Quite the opposite, in fact. The discovery shows that he took medications with him,  
9 asked to use them before being transported to jail, and experienced low blood sugar during the short  
10 transportation back to Seattle. His poor health warranted serious consideration before Mr. Hansen  
11 failed to appear, and it still warrants serious consideration now.

12 The change in the recommendation by the probation office—increasing the recommended  
13 sentence by nearly 50%, from seven to ten years—is simply not warranted. For one, much of the  
14 change in probation’s recommendation appears to stem from a perception that Mr. Hansen had a  
15 serious plan to live out his days in a quiet coastal community. *See, e.g.*, Probation Rec. at 7 (“Mr.  
16 Hansen appears to have believed he was entitled to a ‘quiet life’ on the Washington Coast.”). But  
17 the discovery paints a much different picture; it depicts a man who panicked, gathered what little he  
18 had left in life, and then lived out only a few days in cheap hotels before getting caught, as he knew  
19 he would. He may have said he wished he could live out his days in a coastal community, but as he  
20 acknowledged in the interview he did after he was arrested, he did not have the resources nor any  
21 realistic plan to do so, and he knew it.

22 Probation also cites to Mr. Hansen’s purported danger to the community in changing its  
23 recommendation, but there is no evidence that anyone was in any specific danger from him.

1 Although there may have been firearms in the minivan, Mr. Hansen was himself unarmed, even  
2 when walking out in public, knowing the FBI was looking for him. He did not resist arrest, but  
3 instead willingly submitted, without incident, told the agents about the firearms in the minivan, and  
4 then cooperated, telling the agents about what had happened.

5 Perhaps most problematic is the notion that Mr. Hansen's decision not to appear somehow  
6 alters how the Court should perceive his health issues. Both probation and the government have  
7 pointed to this as a basis for changing their recommendations, arguing that his decision not to appear  
8 somehow suggests that Mr. Hansen does not really need the medical attention his doctors say he  
9 does. *See id.* at 8 (“[G]iven Mr. Hansen’s decision to flee and his hope to live an anonymous and  
10 quiet life in hiding, we are questioning whether access to immediate healthcare is a significant  
11 consideration.”); Gov’t Suppl., Dkt. 476, at 3 (similar). But the facts do not support this change.  
12 Mr. Hansen remained within driving distance of his doctors—he only “fled” a few hours from where  
13 he had started—and he brought medication with him. And it may well have been his health concerns  
14 that led him not to appear in the first place, because he did not think he would live to see the end of  
15 his sentence, and so he wanted to live a few more days outside of prison. It was foolish; it was  
16 disrespectful to the Court and to probation. But it shows how sincerely he believes that he is in poor  
17 health and unlikely to live out his sentence. And it is not a reason to fundamentally alter the Court’s  
18 approach to sentencing in this case.

## 19 CONCLUSION

20 The government has provided very limited discovery about Mr. Hansen’s decision not to  
21 appear at sentencing. There may yet be mitigating facts unknown to the defense. This, alone, is a  
22 reason to tread carefully in assessing the significance of Mr. Hansen’s decision not to appear. Atop  
23 of that, however, is the evidence that has been provided suggesting that this was not some calculated,  
24

1 serious effort to evade the law, but merely a foolish and desperate act by a man who felt his life was  
2 over. We therefore respectfully submit that the Court should not significantly alter its approach to  
3 sentencing in this case.

4 DATED this 31st day of May, 2022.

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